Nova Scotia

NOVA SCOTIA OFFICE OF THE OMBUDSMAN

ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR

2003-04

Final Report
November 8, 2004

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ACCOUNTABILITY STATEMENT

The accountability report of the Nova Scotia Office of the Ombudsman is for the fiscal year ended March 31, 2004. The report is prepared pursuant to the *Provincial Finance Act* and government policy and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman's business plan information for the fiscal year 2003-04. Reporting outcomes will at times include estimates, judgments and opinions by management of the Office.

Dwight Bishop
Ombudsman

MESSAGE FROM THE OMBUDSMAN

I am pleased to report on the programs and services designed to support the mandate of this office. As we review our goals and achievements we continue to look at ways to improve and expand our services to all citizens of Nova Scotia. Accountability is at the core of the Office of the Ombudsman and I know is both a present and an ongoing commitment for staff.

Dwight Bishop
Ombudsman

INTRODUCTION

This report is based on the goals, priorities and performance measures set out in the Office of the Ombudsman's 2003-04 business plan. The report describes the accomplishments and progress made in meeting those goals and priorities and should be read in concert with the 2003-04 business plan.

This report is organized around the strategic goals described below. Progress toward each of the strategic goals appear in the next section of this report with a particular focus on the core business areas of Assessment and Investigation and the Children's Section. The final section sets out financial information and outcome measures. The Office of the Ombudsman was able to meet its budget targets for 2003-2004. We continued to process assessments in a reasonable time frame and to decrease the number of complaints requiring formal investigations, however our average length of time to complete formal investigations increased from 10 to 16 months. This increase can be attributed to the complexity of a number of these investigations as well as to time lost due to staff turnover and training requirements. Our goal now is to reduce the time frame to complete formal investigations within 9 months by 2006-07.

In January 2004, Dwight Bishop was appointed as the Ombudsman on a full time basis. The Office had been operating since 2000 with an Interim Ombudsman, who had responsibilities for this Office as well as the Nova Scotia Human Rights Commission.

During 2003-04 the Office of the Ombudsman continued to take proactive steps to educate youth in provincial care and custody of their rights. In December 2003, a Secure Care Facility, operated by the Department of Community Services, opened and our outreach service expanded to this facility. The Office of the Ombudsman also continued an education program focusing on increasing the awareness of provincial and municipal government employees as well as the general public, including youth in provincial care and custody of the roles and responsibilities of the Office of the Ombudsman.

The Office of the Ombudsman provided training to staff in a number of areas including management development, administrative law and communication skills.

PROGRESS AND ACCOMPLISHMENTS

In its 2003-04 business plan, the Office of the Ombudsman established the following priorities:

1. Complaints Resolution/ Investigation - Provide a complaint resolution process that ensures all complaints filed by citizens, including youth in the care and custody of municipal and provincial governments, are investigated professionally, objectively, thoroughly, and in a confidential and timely manner.

2. Information Sharing - Continue a proactive role through educating and increasing the awareness of citizens, children, youth, elected officials and employees of the Public Service, of the right to access the Ombudsman's independent, objective review/complaint resolution mechanism and the principles of administrative fairness and good governance.

3. Operational Issues - Provide a service that balances a proactive role while maintaining independence from government. Ensure public confidence by continuing to conduct impartial, effective, and objective investigations.

The following is a brief report on major initiatives undertaken to achieve the priorities.

Priority One: **Complaints Resolution/ Investigation**
Provide a complaint resolution process that ensures all complaints filed by citizens, including youth in the care and custody of municipal and provincial governments, are investigated professionally, objectively, thoroughly, and in a confidential and timely manner.

☐ Review and monitor, on a regular basis, the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations.

Assessments and investigations are being addressed in a reasonable time frame. The complaint resolution process is monitored through bi-weekly meetings. These meetings allow staff to determine priorities and monitor time frames to ensure all assessments, investigations and reviews are processed efficiently. These meetings also provide an opportunity for staff to discuss and analyze cases and determine options for resolution.

☐ Continue to implement written guidelines to avoid conflict of interest while investigating complaints involving the N.S. Human Rights Commission during the dual appointment of the Director/CEO of the Nova Scotia Human Rights Commission as Ombudsman.

With the appointment of Mr. Bishop as Ombudsman with sole responsibility for the Office of the Ombudsman, these guidelines are no longer required.

☐ Implement a communication strategy to introduce the complaints resolution process developed for youth in care of the province.

Staff of the Office of the Ombudsman participated and presented in the orientation program provided to the staff of the Secure Care Facility prior to is opening in December 2003. A Secure Care Facility Complaint Resolution Process, *Staff Resource Guide,* was developed for the facility. Ongoing bi-weekly visits to the facility ensure youth in care of the province are aware of and have access to the services of the Office of the Ombudsman. We also continue to provide access to our services through an extended telephone service.

☐ Develop mechanisms to ensure required upgrades are identified for case management systems (CHAOS and YODA) to ensure they continue to be fully utilized.

The review of both computer systems is ongoing. Issues relating to compatibility, interface and adequacy exist.

☐ Complete and distribute an orientation package to ensure all staff are educated on the Provincial Government's Code of Conduct for employees, with continued emphasis on the importance of practicing confidentiality at all times.

An orientation package was developed and provided to all staff.

☐ Request and participate in information sessions offered by government departments to further enhance staff's knowledge and understanding of the programs and their administration.

Presentations to Office of the Ombudsman staff were provided by representatives of the Department of Community Services regarding the appeal process (benefits), the Child Abuse Registry and the obligation to report allegations of abuse as well as from the Halifax Regional Police Department regarding internal and public complaint processes.

Priority Two: **Information Sharing**

Continue a proactive role through educating and increasing the awareness of citizens, children, youth, elected officials and employees of the Public Service, of the right to access the Ombudsman's independent, objective review/complaint resolution mechanism and the principles of administrative fairness and good governance.

☐ Continue to provide citizens, including youth in the care and custody of municipal and

provincial governments, with access to the Ombudsman's toll-free inquiry lines.

The Office continued to provide access to the Ombudsman's toll-free inquiry lines.

- ☐ Continue developing and implementing a communication strategy to ensure the public and municipal and provincial employees are knowledgeable about the Office of the Ombudsman.

Twenty information presentations were provided to employees of municipal and provincial government reaching 189 individuals. Presentations were also provided to offenders in the Cape Breton Correctional Facility, representatives of the Windsor RCMP, the African Nova Scotia Advisory Council, the Avon Valley High School, the Hants County CAN (Community Access Network), Community Services Residential Facility (Chisholm Centre), Cape Breton Regional Police, the Secure Care Facility, and the Youth Duty Council, Department of Justice reaching 44 individuals. In addition, 79 information sessions reached 148 new admissions of the youth correctional facilities.

An annual report covering the period from January 1, 2001 - March 21, 2003 was tabled in the House of Assembly in March 2004.

The Ombudsman information packages and brochures printed in March 2002 were distributed throughout the fiscal year to organizations and complainants involved in assessments and investigations as well as to participants in presentations regarding the role of the Office of the Ombudsman.

The Children's Section "We Have Time to Talk" poster and 1300 brochures outlining the services provided by the Children's Section were distributed.

Updates to the web page include the posting of our Accountability Report for the fiscal year 2002-03, and the Business Plan for 2004-05. The site received 11,972,114 hits and 382,906,757 visits during this time period.

- ☐ Maintain the current staffing level and expertise of employees responsible for the administration of the *Ombudsman Act*.

Dwight Bishop was appointed Ombudsman effective January 1, 2004. Janet McKinnon, the Director of Investigations retained her duties of Director and continued performing the duties of the Assistant Ombudsman/Children's Ombudsman in an acting capacity. In addition, the Office employed three Field Officers, three Investigators, one Administrative Support/Intake Officer, and one Executive Secretary.

- ☐ Continuously review and monitor the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations;

  The Office of the Ombudsman, through weekly meetings, continued to review and monitor the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations.

Priority Three: **Operational Issues**
Provide a service that balances a proactive role while maintaining independence from government. Ensure public confidence by continuing to conduct impartial, effective, and objective investigations.

- ☐ Communicate to government officials the opportunity to use the services of the Office of the Ombudsman to conduct presentations and to review internal policies and procedures to receive presentations, and provide input on administrative fairness and good governance in the delivery of government programs and services.

  Once investigations are completed, letters are sent to the government officials offering to provide presentations to staff. Twenty-three information presentations were provided to employees of municipal and provincial government entities reaching 237 government officials.

- ☐ Continue to implement written guidelines to avoid conflict of interest while investigating complaints involving the Nova Scotia Human Rights Commission during the dual appointment of the Director/CEO of the Commission as Ombudsman.

  With the appointment of Mr. Bishop as Ombudsman with sole responsibility for the Office of the Ombudsman, these guidelines are no longer required. The Office of the Ombudsman continued to implement the written guidelines until Mr. Bishop's appointment in January 2004.

- ☐ Implement delivery of the complaints resolution process developed for youth in care of the province.

  The role of the Children's Section continues to be reviewed and jurisdictional issues are being addressed. The complaint resolution mechanism designed to address concerns of youth in residential child caring facilities has not been implemented. A revised mechanism was developed to ensure the process was within the jurisdiction of the *Ombudsman Act*. Discussions with Community Services are ongoing

regarding the revised model. The complaint resolution mechanism for youth residing in the Secure Care Facility was implemented in December 2003.

FINANCIAL RESULTS

Office of the Ombudsman Estimated Budget Expenditures		
Core Business	2003-2004 Actuals	2003-2004 Budget
Administration and Support & Investigation	$521,255.21	$544,000.00
Children's Section	$141,426.55	$258,000.00
Total - Gross Current	$662,681.76	$802,000.00
Total - Program Expenses Net of Recoveries *	$617,912.42	$802,000.00
Salaries and Benefits	$476,280.31	$635,600.00
Funded Staff (FTE's)	12	12

* Reflects expenses recovered from the Department of Justice related to the proactive complaints mechanism service provided to the Young Offender Correctional Facilities. ($44,769.34)

The Office of the Ombudsman was under budget because jurisdictional issues have delayed the implementation of the Children's Section service to children in care of the government (Community Services, Residential Child-Caring Facilities). Discussions are ongoing with the Dept. of Community Services regarding these jurisdictional issues. Funds have also been set aside while the Children's Ombudsman is on secondment. This position is being filled on an acting basis. In addition, funds were set aside in anticipation of the appointment of a full time Ombudsman.

PERFORMANCE MEASURES

The Office of the Ombudsman has been operating over the past number of years with a number of challenges due to the staffing structure. Presently 73 % of the staff (8 of 11 people) are casual or contract employees. This has resulted in an extremely high rate of employee turn over. In 2003-04 fiscal year,1 employee retired, 3 employees left the Office for full time permanent positions therefore these positions were filled with 3 casual employees. Two employees were on leave, with 2 casual employees hired to fill these positions. Despite these staff changes, the Office of the Ombudsman performed reasonably well. We are currently in the process of restructuring the office and stabilizing the workforce by converting employee status to permanent positions.

A core business areas identified in the 2003-04 Business Plan was:

> 1(a) Advise citizens and provide a voice for children and youth in the care and custody of municipal and provincial governments of their right to access internal departmental and external complaint mechanisms, and of their right to access the independent, impartial complaint mechanisms of the Office of the Ombudsman.

The outcome is to ensure the concerns of citizens are handled in a manner that is fair, appropriate and cost-effective. One of the measures is the number of citizens utilizing the services of the Office of the Ombudsman:

Investigation Section Statistics

Year	Referrals	Inquires & Assessments	Formal Investigations
2001-02	424	739	66
2002-03	579	845	47
2003-04	854	788	28

The increased number of referrals has prompted this Office to develop a communication strategy to ensure the public is aware of the mandate of the Office of the Ombudsman. The continued reduction in formal investigations indicates more concerns are being addressed in a timely and effective manner, without having to proceed with formal investigations. Also a mediation/ facilitation role is becoming more prevalent.

Children's Section Statistics

Year	Referrals	Inquires & Assessments	Formal Investigations
2001-02	n/a	782	0
2002-03	n/a	613	0
2003-04	16	243	2

The decline in youth contacts is attributed, in part, to the reduction in the number of youth being sentenced to the youth detention facilities as a result of the new *Youth Criminal Justice Act*. We believe our presence in the facilities has also reduced concerns in areas that gave rise to complaints. The Children's Section initiated more frequent visits to the Cape Breton Youth Detention Centre (beginning in March 2003) as a result of an increase in calls from youth at that facility. Visits to the Secure Care Facility (Community Services) began in December 2003, which is resulting in an increase in the number of complaints being addressed by the Children's Section.

Total number of citizens contacted through investigations, visitations or referrals process, Office of the Ombudsman in 2003-04:

Referrals	Youth contacts - information provided	Inquires & Assessments	Formal Investigations	Total
870	134	1031	63*	2098

*30 formal investigations with 63 named complainants.

The target was to increase this number by 25 % (to 2125 citizens) . We increased the number by 24% (2098 citizens).

A second measure of this outcome is:

> 1(b) Number of citizens including children in care/custody whose understanding of rights and complaint processes is enhanced through information sessions, admission sessions in facilities and speaking engagements.

In addition to the increased awareness Nova Scotians have gained through the information provided during referral, assessment and investigation of complaints, staff of the Office of the Ombudsman

made 25 information presentations to employees of municipal and provincial government entities as well as to a number of public organizations. 148 new admissions to the youth detention facilities received information regarding the Children Section, Office of the Ombudsman.

The number of individuals receiving information about the Office of the Ombudsman through presentations and information totalled 381. We did not meet the target of a 15% increase (from 485 to 560), due in part to staff turnover and the time required to recruit and train new staff. However, we are developing and implementing a communications strategy and based on the presentations and contacts made to date, we anticipate we will surpass the 2004-05 target.

The second core business area is:

> 2. Receive and investigate complaints filed by citizens, including youth in the care and custody of municipal and provincial governments, against provincial and municipal government departments, agencies, boards and commissions.

The outcome of this core business area is a more efficient and effective complaint resolution process and is measured by the timely completion of assessments and formal investigations.

Assessment Time Frames	**Investigation Section**	**Children's Section**
Completed within 1-7 days	63%	79%
8 days to 1 month	18%	13.5%
1 month plus	19%	7%

The manner in which the time frame for completing assessments is tabulated was changed in this fiscal year, therefore these statistics do not reflect the target as indicated in the Business Plan. We will be revising the manner in the time frame target in the 2005-06 Plan to reflect the current methodology, which provides a more meaningful indication of the time required to address concerns. The new method clearly demonstrates the vast majority of concerns are addressed by this Office within one month of receipt.

The average length of formal investigations increased to 16 months. The Office undertook a number of complex and detailed formal investigations which were very time consuming. The increase in time required to complete investigations can also be attributed to the time lost due to staff turnover and training requirements. We have revised the goal of complete formal investigations within nine months by 2004-05 to 2006-07.

The third core business area is:

> 3. Recommend and monitor amendments to policies, procedures and legislation that adhere to the principles of administrative fairness for all citizens. Through the recommendation and monitoring component, the Office of the Ombudsman advises and educates citizens, including youth in the care and custody of municipal and provincial governments, elected officials and employees of the Public Service, of the principles of administrative fairness and good governance.

Through assessments, reviews and formal investigations, the Office of the Ombudsman reviews the policies, procedures and legislation of government to determine whether they are being implemented properly and administered fairly. The outcome of our analysis is conveyed to the complainants and respondents. This includes advising the parties when the policies, procedures and legislation have been properly implemented by government officials as well as making recommendations to improve the manner in which services are provided by government, when warranted.

One of the measures of this target is the number of cases successfully completed through audits and recommendations. This was in reference to formal investigations and as indicated earlier in this report, a revised approach by this Office has reduced the number of formal cases, therefore this target is no longer relevant New targets will be set in the upcoming business plan which will reflect the modifications in approach as well as methods of recording complaint information.

In addition to the review of policies, procedures and legislation associated with assessments and investigations, this Office provided input into the Department of Community Services, Secure Care Facility's draft policy and procedures manuals as well as participated in the staff orientation program. We are also working with Corrections officials with a view to improving responses to offender complaints. These consultations with Community Services and the Department of Justice, adult and youth facilities are ongoing. The Children's Section has ongoing discussions with Policing Services, Sheriff Services and the RCMP regarding methods to increase awareness of youth rights and of the availability of youth to contact the Office of the Ombudsman, Children's Section.

A second measure of this outcome involves "exit interviews". The Children's Section completed 25 "exit interviews" of youth in the detention facilities. These were conducted prior to the youth's release from the facility, with the belief the youth may be more forthcoming regarding concerns, either in personal areas or of a systemic nature.

A third measure involves consultations with government departments. The consultations currently underway have already been outlined above. To achieve this outcome, and in order to assist staff conduct effective investigations and educational presentations, the Office of the Ombudsman provided training to staff in the foundations of administrative law and communication skills, including a report writing course delivered to all staff. Two presentations were provided by

government officials to staff of the Office of the Ombudsman to ensure we have a better understanding of the policies and procedures the departments must adhere to.

Another measure of this core area was access to and knowledge of the website. Updates to the web page include the posting of our Accountability Report for the fiscal year 2002-03, and the Business Plan for 2004-05. The site received 11,972,114 hits and 382,906,757 visits during this time period.

A final measure was the dissemination of information. The Children's Section "We Have Time to Talk" poster and 1300 brochures outlining the services provided by the Children's Section were distributed. The Ombudsman information packages and brochures printed in March 2002 were distributed throughout the fiscal year to organizations and complainants involved in assessments and investigations as well as to participants in presentations regarding the role of the Office of the Ombudsman.